

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

LOCAL 8027, AFT-NEW HAMPSHIRE, AFL-CIO, RYAN)
RICHMAN, JOHN DUBE and JOCEYLN MERRILL,)
teachers in the New Hampshire Public Schools, and)
KIMBERLY GREEN ELLIOTT and MEGHAN EVELYN)
DURDEN, parents or guardians of children in the New)
Hampshire public schools.)

Plaintiffs,)

v.)

FRANK EDELBLUT, in his Official Capacity as)
Commissioner of the DEPARTMENT OF EDUCATION)
("DOE"), CHRISTIAN KIM in his Official Capacity as the)
Chair of the NEW HAMPSHIRE COMMISSION ON)
HUMAN RIGHTS, and JOHN FOMELLA in his Official)
Capacity as ATTORNEY GENERAL of the State of New)
Hampshire.)

Defendants.)

Civil No. 1:21-cv-01077-PB

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ANDRES MEJIA,)
CHRISTINA KIM PHILIBOTTE, and)
NATIONAL EDUCATION ASSOCIATION-NEW)
HAMPSHIRE,)

Plaintiffs,)

v.)

FRANK EDELBLUT, in his official capacity only as the)
Commissioner of the New Hampshire Department of)
Education,)
JOHN M. FORMELLA, in his official capacity only as the)
Attorney General of the State of New Hampshire,)
AHNI MALACHI, in her official capacity only as the)
Executive Director of the New Hampshire Commission for)
Human Rights,)
CHRISTIAN KIM, in his official capacity)
only as the Chair of the New Hampshire Commission for)
Human Rights,)
KEN MERRIFIELD, in his official capacity only as the)
Commissioner of the Department of Labor,)

Defendants.)

PLAINTIFFS' ASSENTED-TO MOTION TO EXCEED PAGE LIMIT

Plaintiffs in the first above-captioned action (the “AFT Plaintiffs” or the “AFT action”) and Plaintiffs in the second above-captioned action (the “Mejia Plaintiffs,” or “Mejia action”) collectively move with the Defendants’ assent to exceed the 5-page limit for sur-reply briefs in Local Rule 7.1(e)(3) in responding to Defendants’ Replies (Doc. Nos. 48 and 49) in Support of their Motion to Dismiss. *See* Doc. No. 36. Plaintiffs collectively state as follows:

1. Plaintiffs collectively seek an extension of 2 extra page(s) (7pages total) to file their Joint Sur-reply in Opposition to Defendants’ Motion to Dismiss Plaintiffs’ Vagueness Claim (*see* Doc No. 48; Doc. No. 36-1, Argument Section III). Per the Court’s instructions, Plaintiffs are filing a Joint Sur-reply to streamline the arguments as to the vagueness claim in this case to avoid repetition and for the sake of judicial economy.

2. Separately, the AFT Plaintiffs seek an extension of 5 pages (10 pages total) to file their Sur-reply in Opposition to Defendants’ Motion to Dismiss Counts II-IV of the AFT Complaint (*see* Doc. No. 49; Doc. No. 36-1, Argument Sections I and II).

3. Plaintiffs request that the Court allow them to file these two memoranda in excess of the 5-page limit for sur-replies set forth in Local Rule 7.1(e)(3). Plaintiffs submit that good cause exists for this relief given that—while the Plaintiffs have streamlined their joint Sur-reply on vagueness—these briefs address two operative complaints, and this case presents multiple questions of constitutional law.

4. Plaintiffs have conferred with Defendants, who assent to the requested relief.

5. No memorandum supports this motion because all arguments are set forth herein.

LR 7.1(a)(2)

WHEREFORE, Plaintiffs respectfully request that this Honorable Court:

A. Permit the Plaintiffs leave to submit their Joint Sur-reply in Opposition to Defendants' Motion to Dismiss Plaintiffs' Vagueness Claim in excess of the page limit set forth in Local Rule 7.1(e)(3);

B. Permit the AFT Plaintiffs leave to submit their Sur-reply in Opposition to Defendants' Motion to Dismiss Counts II-IV of the AFT Complaint in excess of the page limit set forth in Local Rule 7.1(e)(3); and

C. Grant such other relief as the Court deems just and equitable.

Dated: July 22, 2022

Respectfully Submitted,

/s/ Peter J. Perroni
NOLAN PERRONI PC
NH Bar. No. 16250
73 Princeton Street
North Chelmsford, MA 01863
(978) 454-3800
peter@nolanperroni.com

STROOCK & STROOCK & LAVAN LLP
Charles G. Moerdler, Esq.*
David J. Kahne, Esq.*
Elizabeth Milburn, Esq.*
180 Maiden Lane
New York, New York 10038
(212) 806-5400
cmoerdler@stroock.com

SELENDY & GAY PLLC
Faith Gay, Esq.*
1290 6th Avenue
New York, NY 10104
(212) 390-9000
fgay@selendygay.com

*Co-Counsel for Local 8027, AFT-New
Hampshire, AFL-CIO, Ryan Richman,
John Dube and Jocelyn Merrill,
teachers in the New Hampshire Public Schools,
and Kimberly Green Elliot and Meghan Evelyn
Durden parents or guardians of children in the
New Hampshire public schools,*

/s/ Gilles R. Bissonnette

Gilles R. Bissonnette (N.H. Bar. No. 265393)
Henry R. Klementowicz (N.H. Bar No.
21177)
SangYeob Kim (N.H. Bar No. 266657)
AMERICAN CIVIL LIBERTIES UNION OF NEW
HAMPSHIRE
18 Low Avenue, Concord, NH 03301
Tel. 603.224.5591
gilles@aclu-nh.org

/s/ Chris Erchull

Chris Erchull (N.H. Bar No. 266733)
GLBTQ LEGAL ADVOCATES & DEFENDERS
18 Tremont, Suite 950
Boston, MA 02108
Tel.: 617.426.1350
cerchull@glad.org

Pamela E. Phelan (N.H. Bar No. 10089)
Sarah J. Jancarik (N.H. Bar No. 272310)
DISABILITY RIGHTS CENTER-NEW HAMPSHIRE
64 N Main St, Ste 2
Concord, NH 03301-4913
Tel.: 603.228.0432
Sarahj@drenh.org

William E. Christie (N.H. Bar No. 11255)
S. Amy Spencer (N.H. Bar No. 266617)
SHAHEEN & GORDON, P.A.
107 Storrs Street
P.O. Box 2703
Concord, NH 03302
Tel.: 603.225.7262
wchristie@shaheengordon.com
saspercer@shaheengordon.com

*Co-counsel for Plaintiffs Andres Mejia and
Christina Kim Philibotte*

/s/ Morgan C. Nighan

Morgan C. Nighan (N.H. Bar No. 21196)
NIXON PEABODY LLP
Exchange Place
53 State Street
Boston, MA 02109-2835
Tel.: 617.345.1031
mnighan@nixonpeabody.com

/s/ David A. Vicinanzo

David A. Vicinanzo (N.H. Bar No. 9403)
NIXON PEABODY LLP
900 Elm Street, 14th Floor
Manchester, NH 03101
Tel.: 603.628.4000
dvicinanzo@nixonpeabody.com

Travis Hill*
NIXON PEABODY LLP
55 West 46th Street
New York, NY 10036-4120
Tel.: 212.940.3131
thill@nixonpeabody.com

Emerson Sykes*
Speech, Privacy, and Technology Project
Leah Watson*
Sarah Hinger*
Racial Justice Program
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street, 18th Floor
New York, NY 10004
Tel.: 212.549.2500
esykes@aclu.org
lwatson@aclu.org
shinger@aclu.org

/s/ Jason Walta

Alice O'Brien*

Jason Walta*

NATIONAL EDUCATION ASSOCIATION

1201 Sixteenth St. NW

Washington, DC 20036

Tel: 202.822.7035

aobrien@nea.org

jwalta@nea.org

Esther K. Dickinson (N.H. Bar No. 20764)

Lauren Snow Chadwick (N.H. Bar No. 20288)

Staff Attorneys

NATIONAL EDUCATION ASSOCIATION-

NEW HAMPSHIRE

9 South Spring Street

Concord, NH 03301-2425

Tel.: 603.224.7751

edickinson@nhnea.org

lchadwick@nhnea.org

Nathan R. Fennessy (N.H. Bar No. 264672)

Rue K. Toland (N.H. Bar No. 269021)

PRETI FLAHERTY BELIVEAU & PACHIOS LLP

57 North Main Street

Concord, NH 03301

Tel.: 603.410.1500

nfennessy@preti.com

rtoland@preti.com

Co-Counsel for National Education Association-New Hampshire

*Admitted *pro hac vice*.